

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

FILED

2009 MAR 25 P 3: 52

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KURTIS THORSTED,

Defendant.

CR -09 00313

VIOLATIONS: 14 U.S.C. § 88(c)–  
Communication of False Distress Message  
to the United States Coast Guard; 18 U.S.C.  
§ 1001(a)(2)–Making a Material False  
Statement to an Agency of the United States;  
47 U.S.C. §§ 301 and 501–Unlicensed Radio  
Transmission; 47 U.S.C. § 510(a)–Criminal  
Forfeiture

INFORMATION

The United States Attorney charges:

COUNT ONE: (14 U.S.C. § 88(c)–Communication of False Distress Message to the United

States Coast Guard)

On or about August 3, 2008, in the Northern District of California, the defendant,

KURTIS THORSTED,

did knowingly and willfully communicate a false distress message to the Coast Guard, to wit,  
broadcasting “Mayday Mayday,” and did thereby cause the Coast Guard to attempt to save his

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INFORMATION

1 life and property when no help was needed, in violation of Title 14, United States Code, Section  
2 88(c).

3 COUNT TWO: (14 U.S.C. § 88(c)—Communication of False Distress Message to the United  
4 States Coast Guard)

5 On or about August 9, 2008, in the Northern District of California, the defendant,  
6 KURTIS THORSTED,  
7 did knowingly and willfully communicate a false distress message to the Coast Guard, to wit,  
8 broadcasting “Mayday Mayday,” and did thereby cause the Coast Guard to attempt to save his  
9 life and property when no help was needed, in violation of Title 14, United States Code, Section  
10 88(c).

11 COUNT THREE: (14 U.S.C. § 88(c)—Communication of False Distress Message to the United  
12 States Coast Guard)

13 On or about October 6, 2008, in the Northern District of California, the defendant,  
14 KURTIS THORSTED,  
15 did knowingly and willfully communicate a false distress message to the Coast Guard, to wit,  
16 broadcasting “Mayday Mayday” and stating that he was in a kayak off the coast of Santa Cruz,  
17 California and having difficulty getting back to shore, when in fact, as the defendant then knew,  
18 he was neither in a kayak on the water, nor were his life and property at risk, and did thereby  
19 cause the Coast Guard to attempt to save his life and property when no help was needed, in  
20 violation of Title 14, United States Code, Section 88(c).

21 COUNT FOUR: (18 U.S.C. § 1001(a)(2)-Making a Materially False Statement To An Agency of  
22 the United States)

23 On or about August 3, 2008, in the Northern District of California, the defendant,  
24 KURTIS THORSTED,  
25 in a matter within the jurisdiction of the executive branch of the government of the United States,  
26 did knowingly and willfully make a false, fraudulent and fictitious material statement and  
27 representation to the United States Coast Guard, that is, the defendant represented that his life  
28 and property were in danger, to wit, broadcasting “Mayday Mayday,” when in fact, as the

1 defendant then knew, his life and property were not at risk, in violation of Title 18, United States  
2 Code, Section 1001(a)(2).

3 COUNT FIVE: (18 U.S.C. § 1001(a)(2)-Making a Materially False Statement To An Agency of  
4 the United States)

5 On or about August 9, 2008, in the Northern District of California, the defendant,  
6 KURTIS THORSTED,  
7 in a matter within the jurisdiction of the executive branch of the government of the United States,  
8 did knowingly and willfully make a false, fraudulent and fictitious material statement and  
9 representation to the United States Coast Guard, that is, the defendant represented that his life  
10 and property were in danger, to wit, broadcasting "Mayday Mayday," when in fact, as the  
11 defendant then knew, his life and property were not at risk, in violation of Title 18, United States  
12 Code, Section 1001(a)(2).

13 COUNT SIX: (18 U.S.C. § 1001(a)(2)-Making a Materially False Statement To An Agency of  
14 the United States)

15 On or about October 6, 2008, in the Northern District of California, the defendant,  
16 KURTIS THORSTED,  
17 in a matter within the jurisdiction of the executive branch of the government of the United States,  
18 did knowingly and willfully make a false, fraudulent and fictitious material statement and  
19 representation to the United States Coast Guard, that is, the defendant represented that his life  
20 and property were in danger, to wit, broadcasting "Mayday Mayday" and stating that he was in a  
21 kayak off the coast of Santa Cruz, California and having difficulty getting back to shore, when in  
22 fact, as the defendant then knew, he was neither in a kayak on the water, nor were his life and  
23 property at risk, in violation of Title 18, United States Code, Section 1001(a)(2).

24 COUNT SEVEN: (47 U.S.C. §§ 301, 501-Unlicensed Radio Transmission)

25 On or about August 3, 2008, in the Northern District of California, the defendant,  
26 KURTIS THORSTED,  
27 did knowing and willfully operate an apparatus for the transmission of communications and  
28 signals by radio from one place in California to another place in the same State, without a license

1 granted under the provisions of Chapter 5 of Title 47 of the United States Code.

2 It is further alleged that the defendant was previously convicted of violating Title 47,  
3 United States Code, Sections 301 and 501.

4 All in violation of Title 47, United States Code, Sections 301 and 501.

5 COUNT EIGHT: (47 U.S.C. §§ 301, 501-Unlicensed Radio Transmission)

6 On or about August 9, 2008, in the Northern District of California, the defendant,

7 KURTIS THORSTED,

8 did knowing and willfully operate an apparatus for the transmission of communications and  
9 signals by radio from one place in California to another place in the same State, without a license  
10 granted under the provisions of Chapter 5 of Title 47 of the United States Code.

11 It is further alleged that the defendant was previously convicted of violating Title 47,  
12 United States Code, Sections 301 and 501.

13 All in violation of Title 47, United States Code, Sections 301 and 501.

14 COUNT NINE: (47 U.S.C. §§ 301, 501-Unlicensed Radio Transmission)

15 On or about October 6, 2008, in the Northern District of California, the defendant,

16 KURTIS THORSTED,

17 did knowing and willfully operate an apparatus for the transmission of communications and  
18 signals by radio from one place in California to another place in the same State, without a license  
19 granted under the provisions of Chapter 5 of Title 47 of the United States Code.

20 It is further alleged that the defendant was previously convicted of violating Title 47,  
21 United States Code, Sections 301 and 501.

22 All in violation of Title 47, United States Code, Sections 301 and 501.

23 FORFEITURE ALLEGATIONS: (47 U.S.C. § 510(a)-Criminal Forfeiture)

24 1. The allegations contained in Counts Seven, Eight and Nine of this Information are  
25 hereby realleged and by this reference fully incorporated herein for the purpose of alleging  
26 forfeiture pursuant to Title 47, United States Code, Section 510(a).

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2. Upon conviction of the offenses alleged in Counts Seven, Eight or Nine above,  
the defendant,


KURTIS THORSTED,

shall forfeit to the United States, pursuant to Title 47, United States Code, Section 510(a), all  
property, real or personal, used or intended to be used to commit or promote the commission of  
the offenses of conviction, including the following items seized from the defendant's residence:  
(1) one Uniden Marine VHF radio, serial number 06011786; and (2) one Uniden Atlantis VHF  
marine transceiver, serial number 1703773.

DATED: March 25, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

  
DAVID R. CALLAWAY  
Deputy Chief, San Jose Office

(Approved as to form: )

AUSA FONDO

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

SEE ATTACHMENT

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

PENALTY:

SEE ATTACHMENT

E-filing

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Coast Guard Investigative Services, Special Agent Jacob Westlic

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

 Name and Office of Person  
 Furnishing Information on  
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y  
 (if assigned)

AUSA GRANT P. FONDO

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

2009 MAR 25 P 3:53

KURTIS THORSTED

RICHARD W. WIEKING

CLERK

DISTRICT COURT NUMBER

U.S. DISTRICT

NO. DIST. OF CALIF.

RMW

CR - 09 00313

DEFENDANT

**IS NOT IN CUSTODY**

RS

- 1)
- ☒
- Has not been arrested, pending outcome this proceeding.
- 
- If not detained give date any prior summons was served on above charges
- 
- 2)
- ☐
- Is a Fugitive
- 
- 3)
- ☐
- Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)
- ☐
- On this charge
- 
- 5)
- ☐
- On another conviction
- 
- 6)
- ☐
- Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer  
 been filed?

☐ Yes  
☐ No

 If "Yes"  
 give date  
 filed

 DATE OF  
 ARREST

Month/Day/Year

Or... If Arresting Agency &amp; Warrant were not

Month/Day/Year

 DATE TRANSFERRED  
 TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☒ SUMMONS ☐ NO PROCESS\*
☐ WARRANT

Bail Amount: \$75,000

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

 CYNTHIA LIE, Assistant Federal Public Defender  
 Office of the Federal Public Defender, San Jose Branch  
 160 West Santa Clara Street, Suite 575  
 San Jose, CA 95113

 \*Where defendant previously apprehended on complaint, no new summons  
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time: April 9, 2009 at 9:30 AM Courtroom 5, 4th Floor

Before Judge: Honorable Judge Patricia V. Trumbull

Comments: CYNTHIA LIE, Counsel for the Defendant will accept the summons on his behalf.

**ATTACHMENT TO PENALTY SHEET  
UNITED STATES v. KURTIS THORSTED  
INFORMATION**

**COUNTS ONE, TWO, and THREE:** Title 14, United States Code, Section 88(c) -  
Communication Of False Distress Message To The United States Coast Guard

**PENALTIES:**

Maximum: 6 years imprisonment  
\$5,000 fine  
3 years supervised release  
\$100 mandatory special assessment  
Restitution to be determined by the Court, including Coast Guard  
costs of response per 14 U.S.C. Section 88(c)(2)

**COUNTS FOUR, FIVE, and SIX:** Title 18, United States Code, Section 1001(a)(2) -  
Making a Materially False Statement To An Agency Of The United States

**PENALTIES:**

Maximum: 5 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 mandatory special assessment

**COUNTS SEVEN, EIGHT, and NINE:** Title 47, United States Code, Sections 301, 501  
- Unlicensed Radio Transmission

**PENALTIES:**

Maximum: 2 years imprisonment  
\$10,000 fine  
1 years supervised release  
\$100 mandatory special assessment